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March 9, 2007

Via CM / ECF

Honorable Sue L. Robinson
United States District Court
844 King Street
Wilmington, DE 19801

Re: Connecticut Bank of Commerce v. Republic of Congo,
Defendant, CMS Nomeco Congo, Inc., Garnishee
Civil Action No. 05-762 SLR

Dear Judge Robinson:

We have received Mr. Detweiler's letter to the Court of today and Af-Cap's Notice of Dismissal Pursuant to Rule 41(a)(1)(i). We respectfully submit that in light of the fact that garnishee CMS Nomeco Congo, Inc. has answered the writ of garnishment in this proceeding, with a request for attorney's fees and costs included in the answer, Af-Cap's notice of dismissal is inappropriate and in any event ineffective under Rule 41(a)(1)(i). That is because Rule 41(a)(1)(i) permits dismissal upon notice by the plaintiff only when no answer or motion for summary judgment has been filed "by the adverse party." Here, CMS Nomeco, the adverse party, did file an answer, so dismissal may be obtained only by stipulation or order of the Court. CMS Nomeco intends to pursue recovery of its attorney's fees and costs incurred in this proceeding, which means that there will be further proceedings in this action.

Respectfully,

/s/ M. Duncan Grant

M. Duncan Grant (Del. Bar No. 2994)

Enclosure

cc: Donald J. Detweiler, Esq. (Via CM / ECF)

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